

## REMARKS

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motor contained in the handle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance, 2. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated, per Applicant's disclosure, lines 135 and 136. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Responsive to the office action in the above referenced matter, sent on May 23, 2003, please see in the specification lines 93 and 94, which specifically set forth that a power drive motor is typically incorporated into and enclosed, by ratchet handle

101 To comply with the examiner's request, we have the following change in the specification, as requested. In line 94, after a power drive motor, insert 101 (a) and delete the article (a) preceding power drive motor. Please see the attached proposed revised drawings; to Figures 1, 2, 4(a), and 4(b) which illustrate power drive motor 101 (a) inside ratchet handle 101.

As to comment 2 in the drawings, it is respectfully suggested that although the engagement configuration shown on the end of drive shaft extension 202 is of a conventional configuration, one of the novel aspects of the present invention is related to the length of the drive shaft being substantially longer than any disclosed in the prior art. Thus, portions of Figure 3 are, as indicated, prior art but not the overall configuration as claimed by this inventor. A proposed corrected drawing for Figure 3 has been included which indicates, as set forth in claim 2 on lines 184 and 185 and lines 97 and 98 in the specification specifying a minimum length of six (6) inches.

### *Specification*

3. The disclosure is objected to because of the following informalities: line 110 and 113, drive shaft "201" should be changed to, -202--.

Appropriate correction is required.

Responsive to the office action in the above referenced matter, sent on May 23, 2003, in the specification, at line 94, after the word encloses, please delete the article (a) and after the phrase powered drive motor, add the number 101(a). In addition, in the specification, in line 110, please change 201 to 202 and also, in line 113, change 20 1 to 202.

*Claim Rejections – 35 USC §112.*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 3-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. A removable ratchet extension shaft and a plurality of extensions and shafts, or a

extension shaft "fixedly" attached to ratchet handle or the head as claimed is not supported by the specification as originally filed.

In response to the claim rejections in paragraph 5 regarding claims 3 through 6, please see, in the specification, at lines 114 through 118, which sets forth the fixed or removable attachment of ratchet extension 102 to ratchet handle 101. In addition, Figures 1 and 2 show a fixed connection between the ratchet handle and the extension and shaft, while Figures 3, 4a, and 4b show a removable configuration which, for illustration purposes, includes threaded connections. In addition, please see lines 124 through 129 which sets forth a description of a removable or detachable ratchet extension. Further, in lines 129 through 139, specific embodiments of detachable drive extensions are set forth.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01 The omitted structural cooperative relationships are: the relationship between, e.g., ratchet extension and the ratchet extension shaft.

With regard to paragraph 6 and the rejection of claims 1 through 11, it is respectfully suggested that the specification describes ratchet extension 102 commencing on line 96 in the specification, which encloses the ratchet extension shaft 202 as described in Figure 1 and set forth beginning at line 102 in the specification, the relationship is further illustrated in Figures 2, 3, 4a, and 4b in which the ratchet extension shaft is shown enclosed by various embodiments of ratchet extension 102. For instance, in the case of Figure 2, ratchet extension 102 is fixedly attached to ratchet handle 101 at ratchet head 103. Figure 3 illustrates the extended ratchet extension embodied in this invention enclosing ratchet extension shaft 202. Figure 4a illustrates ratchet extension 303 which is removably attached to ratchet handle 101 on one end and ratchet head 103 at the other, and Figure 4b which shows the extension 303 and ratchet extension 202 removably attached to ratchet handle 101, but fixedly attached to ratchet head 103. Please also see the description commencing at line 135 in the specification which describes the drive mechanism, setting forth a slot and tang drive shaft arrangement, which transmits the rotation of the drive motor to drive the rotation of socket mount 104.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are,

elements making the tool a "power assisted lever arm ratchet", e.g., in claim 11, what makes the tool a "ratchet extension"?

While the Examiner might speculate as to what is meant by the claim language, the uncertainty provides the Examiner with no proper basis for making the comparison between that which is claimed and the prior art. Rejections under 35 U.S.C. § 103 should not be based upon considerable speculation as to the meaning of terms employed and assumptions as to the scope of the claims. In *re Steele*, 134 USPQ 292. When no reasonably definite meaning can be ascribed to certain terms in a claim, the subject matter does not become obvious. but rather the claim becomes indefinite. However, in an attempt to expedite the process, prior art is applied to claims as *best understood*.

In response to the rejection of claims 1 through 11 in paragraph 7, the present invention is intended to be an improvement upon power assisted lever on ratchets, with the improvement comprising a substantial increase in the overall separation between the ratchet head and ratchet handle which is accomplished by the use of an elongated ratchet extension element and an enclosed ratchet extension shaft. The description and definition of a power assisted lever arm ratchet is set forth in the specification commencing in the description of the prior art beginning on line 8 in the

specification and continuing beginning on line 21 with a description of the existing prior art with reference to a list of commercial products, all of which embody the elements of the power-assisted lever arm ratchet through lines 37 in the specification. In addition, in the attachment to information disclosure citation, there are three sheets illustrating conventional power-assisted lever arm ratchets and their manufacturers, and thirteen sheets showing power-assisted lever arm ratchets from essentially all of the major manufacturers. It is the substantial elongation of the separation between the ratchet head and handle that comprises the improvement of this invention, as previously indicated.

9. Claims 1, 3, 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lampke, US Patent No. 2,808,749. Lampke discloses all the limitations of claims 1 and 11, i.e. power wrench comprising a handle containing a motor; a ratchet extension, (41); a ratchet extension shaft (55); and a ratchet head (1). Regarding claim 3, wherein the extension and shaft are removable. Regarding claims 7 and 9, wherein the heads and the handle are removable, and the extension and the shaft are "fixedly" attached to the handle and head respectively (fixedly is considered as a fixed attachment and not "unitary").

In response to the rejection in paragraph 9 of claims 1, 3, 7, 9, and 11 under 35 USC 102 (b) citing Lampke, US Patent Number 2,808, 749, it is respectfully suggested that while Lampke has essentially all of the features in a power-assisted level arm ratchet, the teaching in Lampke, as set forth in section one, lines 22, 34, and 35, as well as section two, line 55, all specifically refer to shortening the wrench. This teaching is completely opposite to the elongated structure of the improvement claimed in the present invention.

10. Claims 1, 3, 7, 9 and 11 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (AAPA). As admitted by Applicant, lines 135 and 136, a power ratchet wrench as shown in Fig. 3 is old, thus meeting the claims limitations as explained above.

With respect to the rejection in paragraph 10 of the foregoing claims pursuant to 35 USC 102(b), as being anticipated by the applicant's admitted prior art, it is respectfully suggested that all of the prior art show close coupling between a ratchet handle and head providing for a "compact" power-assisted ratchet, essentially consistent with the teachings in Lampke cited above. None of the prior art, in spite of the existence of these types of power-assisted lever arm ratchets for periods in excess of 50 years teach or suggest that an improvement, which is the subject of this present



invention, that is the substantial extension of the distance between the handle and the ratchet head.

11. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by D'Haem et al-, US-Patent No. 4,791,836.

In response to the further rejection in paragraph 11 of claim 1 as being anticipated by D'Haem, et al., US Patent Number 4,791,836, here again what is disclosed is a compact, closely-coupled handle and drive head with no teaching of any benefit of separating or lengthening the distance between the ratchet head and handle.

12. Claim 11 is rejected under 35 U.S.C. 102(b) as being clearly anticipated Hendrickson, US Patent No. 3,430,510. Hendrickson clearly anticipates claim 1, e.g. , Figs. 2 and 5.

In response to the further rejection in paragraph 12 of claim 12 under 35 USC 102(b) being anticipated by Hendrickson, US Patent Number 3,430,510, it is respectfully traversed. The teachings in Hendrickson as set forth in section four, lines 52 through 56, describe the use of power source 48 which, as shown and described in Hendrickson,

is a closely-coupled power-assisted lever arm ratchet. Furthermore, the teachings in Hendrickson are directed toward providing a high-torque device incorporating a worm gear for the purposes of durability and, for severe applications, as set forth in section one, lines 71 and following onto section two to line 6. It then further describes the benefits of the Hendrickson invention because it is essentially a torquelimiting tool driven by a conventional lever arm power-assisted ratchet as set forth in section two commencing on line 6 and through line 10. These teachings are further set forth in column two, commencing in line 50 and through line 71, and column three at lines 1 through 4. in addition, as shown in the illustrations in Hendrickson, the "extension" is not co-axial with but perpendicular to the handle of the "power source." There is nothing in Hendrickson, it is respectfully suggested, to teach or suggest the improvement embodied in the present invention, namely the substantial increase in the separation between the handle and drive head of the power-assisted lever arm ratchet.

13. Claims 1, 3, 7, 9 and 11 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Pijanowski, US Patent No. 5,967,002. Pijanowski anticipates the above claims as best understood, i.e., a handle (23), a head removable from the handle, an extension and an extension shaft (23).

With reference in paragraph 13 in the further rejection of claims 1, 3, 7, 9, and 11 as being anticipated by Pijanowski, US Patent Number 5,967,002, it is respectfully traversed. It is respectfully suggested that all that Pijanowski teaches is the use of a ratchet with a head that rotates uni-directionally and is adapted to accept the male end of the sockets and further provides for clockwise and counterclockwise rotation by inserting the socket on either one or the other face of the ratchet. Nothing in Pijanowski teaches or suggests the use of an extension separating the ratchet handle from the drive head as claimed in this invention.

*Claim Rejections - 35 USC § 103*

15. Claims 2,4, 8 and 10 are rejected under 35 U.S.C. 103(x) as being unpatentable over anyone of Lampke, AAPA, D' Haem et al., Hendrickson and Pijanowski.

Each of above mentioned prior art meets the limitations of the above claims except for disclosing an extension and a shaft having a length between 6 to thirty inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an extension and a corresponding shaft having a length or approximately 6-30", since it has been held that changing shape, dependent on work-piece parameters. involves only routine skill in the art.

In response to the rejection in paragraph 15 of claims 2, 4, 8 and 10, under 35 U.S.C. 103 (b) as being unpatentable over any one of Lampke, AAPA, D'Haem, et al, Hendrickson and Pijanowski, the rejection is respectfully traversed. The bases upon which the decision In re Stevens, 101 USPQ (CCPA 1954) reached its decision included the following findings; many of the arts showed a common use of the universal connection that was the subject of the rejected claims and the recognition that the need for adjustment in a fishing rod is something according to the record that has long been recognized as desirable. In this case we have essentially the opposite underpinning, namely the prior art is devoid of the showing of the use of an extension to increase the separation between the ratchet handle and head to provide the benefit achieved when this configuration is used with power assisted lever arm ratchets. It is also further suggested that because of the absence of this configuration in power assisted lever arm ratchets for a period in excess of 50 years it certainly cannot be said that this configuration had "long been recognized as desirable". The opposite inference I would respectfully suggest clearly more appropriate. When view from this perspective this feature of the present invention is not derived from "only routine skill in the art" but is in fact novel and unobvious.

16. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lampke. Lampke discloses an extension (41) and a drive shaft (55) meeting the limitations of the above claims except for disclosing a plurality of extensions and an extension and a shaft having a length between 6 to thirty inches. Bogli teaches a detachable handle for ratchet wrench including a plurality of different sized extensions. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Lampke with plurality of extensions as taught by Bogli permitting the user to change the handles to suite the needs of the user. Regarding claim 6, Lampke in view of Bogli meets the limitations, Bogli, col. 6, line 5.

In response to the rejection in paragraph 16 of claims 5 and 6 under 35 U. S. C. 103 (a) as being unpatentable over Lampke, the rejection is respectfully traversed. First, as indicated above in response to the rejections in paragraph 9, there is no teaching of extending the length of the extension and drive shaft. Second, the subject matter of Bogli includes only lever on ratchets which are not powered and which operate by the manual application of pressure on the ratchet handle to rotate the ratchet assembly to tighten or loosen the object to which the ratchet is being applied. The purposes for which the various length handles are disclosed in Bogli are to change the length for the convenience of the user and consequentially change the leverage which influences the amount of torque that can be applied with the ratchet. Bogli provides a convence for a user of the ratchet to use a shorter or longer handle

with the same ratchet head as opposed to having several different lengths ratchets. In addition, Bogli postdates the filing date of April 24, 2001 of the instant application. It is respectfully suggested that this being the case that the art disclosed in Bogli not available as a teaching to be applied in examining this application. In addition, in Bogli, the limitation described in column 6 line 5 describes the overall length of the handle which ranges from three inches (which as shown in Figure 1 includes only a handle without any extension) to eight inches. If the length of the handle, i.e. three inches is deducted from the maximum length of eight inches, the maximum length of any extension disclosed is five inches. thus there is no disclosure of extensions in the range of six to thirty inches.

In further response to this office action, the inventors have submitted affidavits which set forth their understanding of the state of the art and the needs of the areas of activity to which this invention is applicable. In their affidavits there is the description of an unfulfilled need even though the power assisted lever arm ratchets have been extant for periods in excess of fifty years and have been produced in a very wide variety of forms none of which embody or even suggest the novel features of this invention. In further support of the assertion that this invention fulfills a substantial and unmet need is the portions of Mr. Boccaduttre's affidavit which describe sales of thousands of these devices and the inclusion of this invention of the catalogues of major professional tool distributors. Although this invention appears to

be deceptively simple in its structure, it is clear that a substantial need in a very prolific area of art went unfulfilled for decades before the conception of the present invention. Given these circumstances it is respectfully suggested that this invention meets the criteria for patentability.

It is respectfully suggested that the objections and rejections of the examiner have been met and overcome and the examiner's requirements have been incorporated into this amendment, it is respectfully requested that the rejections and objections be withdrawn and the application be passed to issue.

The fee required for the requested three month extension of \$475.00 has already been submitted along with the petition for extension of time. Thus, no addition fee is due with this amendment.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

Gary Boccadutre

By

A handwritten signature in black ink, appearing to be 'R. Ferb', written over a horizontal line.

Robert J. Ferb, his attorney

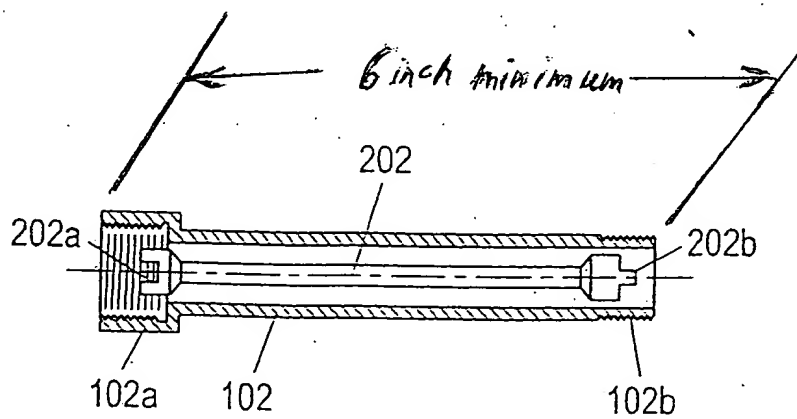
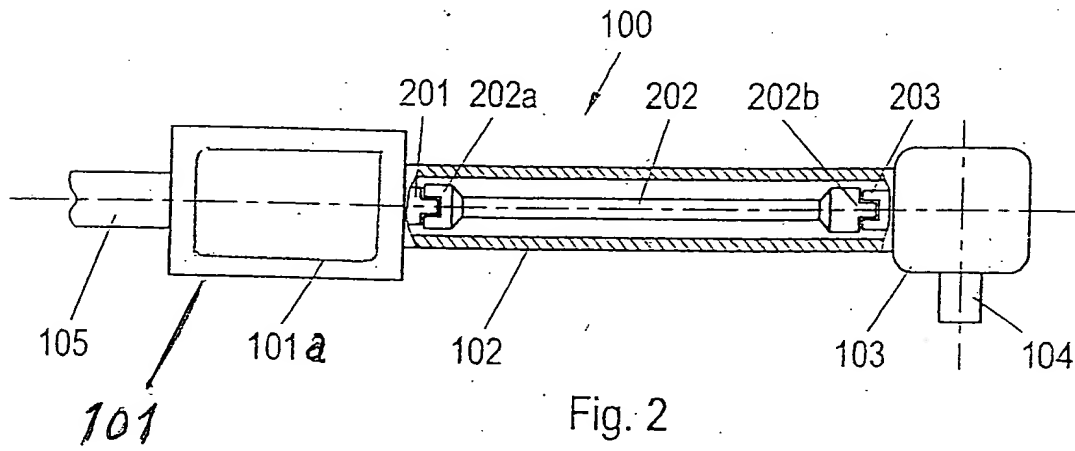
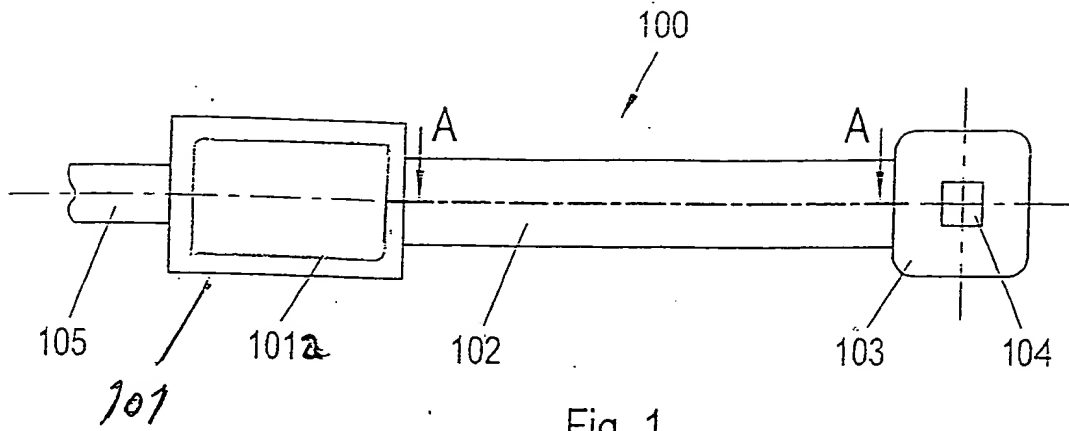
13 Forest Drive, Warren, N.J. 07059

Tel.: (908) 526-1717; Fax (908) 526-6977

Reg.: 29,536; Attorney's Docket No.: FRB211

/am





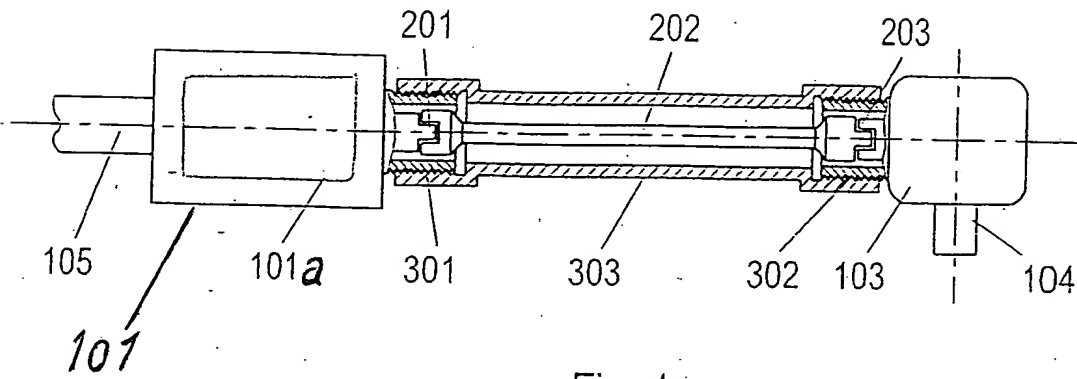


Fig. 4a

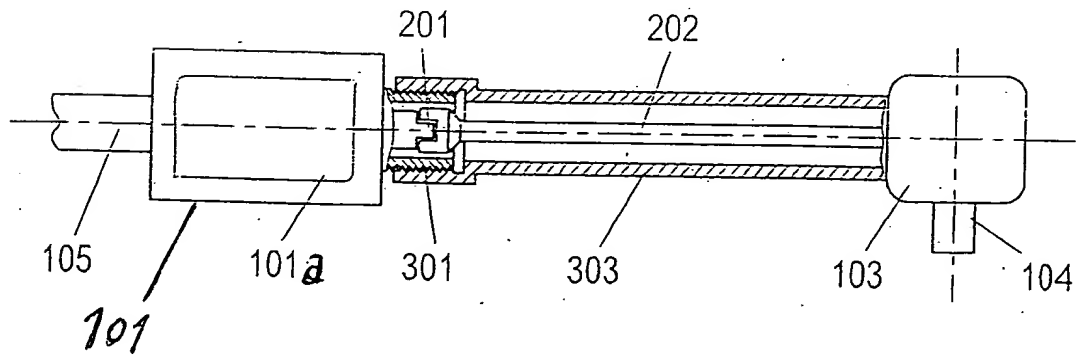


Fig. 4b